

HOUSE TAXATION AND REVENUE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 15

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2003

AN ACT

RELATING TO PUBLIC FINANCES; PROVIDING FOR TRANSPORTATION
SPENDING TO ENHANCE ECONOMIC DEVELOPMENT; AUTHORIZING THE NEW
MEXICO FINANCE AUTHORITY TO ISSUE BONDS; APPROVING CERTAIN
TRANSPORTATION PROJECTS; REVISING AND ADJUSTING CERTAIN TAXES;
REQUIRING WEIGHT DISTANCE TAX IDENTIFICATION PERMITS; CREATING
AND IMPOSING FEES; CREATING A FUND; INCREASING CERTAIN FEES;
INCREASING VEHICLE REGISTRATION FEES; CHANGING DISTRIBUTIONS;
AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978;
MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-1-6.10 NMSA 1978 (being Laws 1983,
Chapter 211, Section 15, as amended) is amended to read:

"7-1-6.10. DISTRIBUTIONS--STATE ROAD FUND.--

A. A distribution pursuant to Section 7-1-6.1 NMSA

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1 1978 shall be made to the state road fund in an amount equal to
2 the net receipts attributable to the taxes, surcharges,
3 penalties and interest imposed pursuant to the Gasoline Tax Act
4 and to the taxes, surtaxes, fees, penalties and interest
5 imposed pursuant to the Special Fuels Supplier Tax Act and the
6 Alternative Fuel Tax Act less:

7 (1) the amount distributed to the state
8 aviation fund pursuant to Subsection B of Section 7-1-6.7 NMSA
9 1978;

10 (2) the amount distributed to the motorboat
11 fuel tax fund pursuant to Section 7-1-6.8 NMSA 1978;

12 (3) the amount distributed to municipalities
13 and counties pursuant to Subsection A of Section 7-1-6.9 NMSA
14 1978;

15 (4) the amount distributed to the county
16 government road fund pursuant to Section 7-1-6.19 NMSA 1978;

17 (5) the amount distributed to the local
18 governments road fund pursuant to Section 7-1-6.39 NMSA 1978;

19 (6) the amount distributed to the
20 municipalities pursuant to Section 7-1-6.27 NMSA 1978;

21 (7) the amount distributed to the municipal
22 arterial program of the local governments road fund pursuant to
23 Section 7-1-6.28 NMSA 1978; and

24 (8) the amount distributed to a qualified
25 tribe pursuant to a gasoline tax sharing agreement entered into

1 between the secretary of [~~highway and~~] transportation and the
 2 qualified tribe pursuant to the provisions of Section
 3 67-3-8.1 NMSA 1978.

4 B. A distribution pursuant to Section 7-1-6.1 NMSA
 5 1978 shall be made to the state road fund in an amount equal to
 6 the net receipts attributable to the taxes, [~~fees~~] interest and
 7 penalties from the Weight Distance Tax Act. "

8 Section 2. Section 7-1-6.39 NMSA 1978 (being Laws 1995,
 9 Chapter 6, Section 9) is amended to read:

10 "7-1-6.39. DISTRIBUTION OF SPECIAL FUEL EXCISE TAX TO
 11 LOCAL GOVERNMENTS ROAD FUND. --A distribution pursuant to
 12 Section 7-1-6.1 NMSA 1978 shall be made to the local
 13 governments road fund in an amount equal to [~~eleven and eleven-~~
 14 ~~hundredths~~] nine and fifty-two hundredths percent of the net
 15 receipts attributable to the taxes, exclusive of penalties and
 16 interest, from the special fuel excise tax imposed by the
 17 Special Fuels Supplier Tax Act. "

18 Section 3. Section 7-15A-2 NMSA 1978 (being Laws 1988,
 19 Chapter 73, Section 29) is amended to read:

20 "7-15A-2. DEFINITIONS. --As used in the Weight Distance
 21 Tax Act:

22 A. "bus" means [~~every~~] a motor vehicle designed and
 23 used for the transportation of [~~persons~~] a person and [~~every~~] a
 24 motor vehicle, other than a taxicab, designed and used for the
 25 transportation of [~~persons~~] a person for compensation;

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1 B. "declared gross weight" means the declared gross
2 weight for purposes of the Motor Transportation Act;

3 C. "department" means the taxation and revenue
4 department, the secretary of taxation and revenue or ~~[any]~~ an
5 employee of that department exercising authority lawfully
6 delegated to that employee by the secretary;

7 D. "gross vehicle weight" means the weight of a
8 vehicle without load, plus the weight of ~~[any]~~ a load ~~[thereon]~~
9 upon the vehicle;

10 E. "motor vehicle" means ~~[every]~~ a vehicle ~~[which]~~
11 that is self-propelled and ~~[every]~~ a vehicle ~~[which]~~ that is
12 propelled by electric power obtained from batteries or from
13 overhead trolley wires, but not operated upon rails;

14 F. "person" means ~~[any]~~:

15 (1) an individual, estate, trust, receiver,
16 cooperative association, club, corporation, company, firm,
17 partnership, joint venture, syndicate or other association;
18 ~~["person" also means]~~ and

19 (2) to the extent permitted by law, ~~[any]~~ a
20 federal, state or other governmental unit or subdivision or an
21 agency, department or instrumentality ~~[thereof]~~ of the federal,
22 state or other governmental unit;

23 G. "registrant" means ~~[any]~~ a person who has
24 registered the vehicle pursuant to the laws of this state or
25 another state;

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1 H. "secretary" means the secretary of taxation and
 2 revenue or the secretary's delegate;

3 I. "tax" means the weight distance tax imposed by
 4 the Weight Distance Tax Act; [~~and~~]

5 J. "vehicle" means [~~every~~] a device in, upon or by
 6 which [~~any~~] a person or property is or may be transported or
 7 drawn upon a highway, including [~~any~~] a frame, chassis or body
 8 of [~~any~~] a vehicle or motor vehicle, except [~~devices~~] a device
 9 moved by human power or used exclusively upon stationary rails
 10 or tracks; and

11 K. "weight distance tax identification permit"
 12 means an administrative certificate that is issued by the
 13 department and that identifies a specific vehicle as subject to
 14 the tax imposed pursuant to the Weight Distance Tax Act."

15 Section 4. Section 7-15A-6 NMSA 1978 (being Laws 1988,
 16 Chapter 73, Section 33) is amended to read:

17 "7-15A-6. TAX RATE FOR MOTOR VEHICLES OTHER THAN BUSES--
 18 REDUCTION OF RATE FOR ONE-WAY HAULS. --

19 A. For on-highway operations of motor vehicles
 20 other than buses, the weight distance tax shall be computed in
 21 accordance with the following schedule:

Declared Gross Weight	Tax Rate
(Gross Vehicle Weight)	(Mills per Mile)
26,000 to 28,000	[7.97] <u>11.01</u>
28,001 to 30,000	[8.60] <u>11.88</u>

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1	30,001 to 32,000	[9.24]	<u>12.77</u>
2	32,001 to 34,000	[9.87]	<u>13.64</u>
3	34,001 to 36,000	[10.51]	<u>14.52</u>
4	36,001 to 38,000	[11.14]	<u>15.39</u>
5	38,001 to 40,000	[12.11]	<u>16.73</u>
6	40,001 to 42,000	[13.06]	<u>18.05</u>
7	42,001 to 44,000	[14.01]	<u>19.36</u>
8	44,001 to 46,000	[14.97]	<u>20.69</u>
9	46,001 to 48,000	[15.93]	<u>20.01</u>
10	48,001 to 50,000	[16.88]	<u>23.33</u>
11	50,001 to 52,000	[17.84]	<u>24.65</u>
12	52,001 to 54,000	[18.79]	<u>25.96</u>
13	54,001 to 56,000	[19.75]	<u>27.29</u>
14	56,001 to 58,000	[20.71]	<u>28.62</u>
15	58,001 to 60,000	[21.66]	<u>29.93</u>
16	60,001 to 62,000	[22.61]	<u>31.24</u>
17	62,001 to 64,000	[23.58]	<u>32.58</u>
18	64,001 to 66,000	[24.53]	<u>33.90</u>
19	66,001 to 68,000	[25.48]	<u>35.21</u>
20	68,001 to 70,000	[26.43]	<u>36.52</u>
21	70,001 to 72,000	[27.40]	<u>37.86</u>
22	72,001 to 74,000	[28.41]	<u>39.26</u>
23	74,001 to 76,000	[29.46]	<u>40.71</u>
24	76,001 to 78,000	[30.55]	<u>42.21</u>
25	78,001 and over	[31.68]	<u>43.78.</u>

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1 B. All motor vehicles for which the tax is computed
 2 under Subsection A of this section shall pay a tax [~~which~~] that
 3 is two-thirds of the tax computed under Subsection A of this
 4 section if:

5 (1) the motor vehicle is customarily used for
 6 one-way haul;

7 (2) forty-five percent or more of the mileage
 8 traveled by the motor vehicle for a registration year is
 9 mileage [~~which~~] that is traveled empty of all load; and

10 (3) the registrant, owner or operator of the
 11 vehicle attempting to qualify under this subsection has made a
 12 sworn application to the department to be classified under this
 13 subsection for a registration year and has given whatever
 14 information is required by the department to determine the
 15 eligibility of the vehicle to be classified under this
 16 subsection and the vehicle has been so classified. "

17 Section 5. Section 7-15A-7 NMSA 1978 (being Laws 1988,
 18 Chapter 73, Section 34) is amended to read:

19 "7-15A-7. TAX RATE FOR BUSES. --For all buses, the weight
 20 distance tax shall be computed in accordance with the following
 21 schedule:

Declared Gross Weight	Tax Rate
(Gross Vehicle Weight)	(Mills per Mile)
26,000 to 28,000	[7.97] <u>11.01</u>
28,001 to 30,000	[8.60] <u>11.88</u>

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1	30,001 to 32,000	[9.24]	<u>12.77</u>
2	32,001 to 34,000	[9.87]	<u>13.64</u>
3	34,001 to 36,000	[10.52]	<u>14.52</u>
4	36,001 to 38,000	[11.15]	<u>15.39</u>
5	38,001 to 40,000	[12.12]	<u>16.73</u>
6	40,001 to 42,000	[13.07]	<u>18.05</u>
7	42,001 to 44,000	[14.02]	<u>19.36</u>
8	44,001 to 46,000	[14.97]	<u>20.69</u>
9	46,001 to 48,000	[15.94]	<u>22.01</u>
10	48,001 to 50,000	[16.89]	<u>23.33</u>
11	50,001 to 52,000	[17.85]	<u>24.65</u>
12	52,001 to 54,000	[18.80]	<u>25.96</u>
13	54,001 and over	[19.76]	<u>27.29.</u> "

14 Section 6. A new section of the Weight Distance Tax Act
15 is enacted to read:

16 "[NEW MATERIAL] WEIGHT DISTANCE TAX IDENTIFICATION
17 PERMITS--SUSPENSION AND RENEWAL. --

18 A. An operator of a motor vehicle registered in this
19 state and subject to the weight distance tax shall display a
20 weight distance tax identification permit issued for that
21 vehicle to an enforcement officer of the department of public
22 safety upon demand of that employee and when the vehicle passes
23 through a port of entry.

24 B. The department may suspend or decline to renew a
25 weight distance tax identification permit for a motor vehicle

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1 if the owner or operator of the vehicle does not comply with
2 the provisions of the Weight Distance Tax Act. "

3 Section 7. A new section of the Weight Distance Tax Act
4 is enacted to read:

5 "[NEW MATERIAL] WEIGHT DISTANCE TAX IDENTIFICATION PERMIT
6 ADMINISTRATIVE FEE. --

7 A. A person that obtains a weight distance tax
8 identification permit shall pay an administrative fee to the
9 department for the reasonable and necessary expense that the
10 department incurs for processing and issuing a weight distance
11 tax identification permit. The fee shall be paid in addition
12 to a weight distance tax, special fuel excise tax and other use
13 fee imposed for the use of public highways of this state. The
14 department shall determine the amount of the fee pursuant to
15 regulation. The fee shall not exceed ten dollars (\$10.00).

16 B. The department shall deposit to the weight
17 distance tax identification permit administration fund all
18 proceeds from administrative fees collected by the department
19 pursuant to this section. "

20 Section 8. A new section of the Weight Distance Tax Act
21 is enacted to read:

22 "[NEW MATERIAL] WEIGHT DISTANCE TAX IDENTIFICATION PERMIT
23 ADMINISTRATION FUND. --The "weight distance tax identification

24 permit administration fund" is created in the state treasury.

25 The purpose of the fund is to provide an account from which the

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1 department may pay the costs of issuing and administering
2 weight distance tax identification permits. The fund shall
3 consist of administrative fees collected pursuant to the Weight
4 Distance Tax Act. Money in the fund shall be appropriated to
5 the department to pay for the cost of issuing and administering
6 weight distance tax identification permits. Disbursements from
7 the fund shall be by warrant of the secretary of finance and
8 administration upon vouchers signed by the secretary or the
9 secretary's authorized representative. Money in the fund shall
10 not revert to the general fund at the end of a fiscal year."

11 Section 9. Section 7-16A-3 NMSA 1978 (being Laws 1992,
12 Chapter 51, Section 3, as amended) is amended to read:

13 "7-16A-3. IMPOSITION AND RATE OF TAX--DENOMINATION AS
14 SPECIAL FUEL EXCISE TAX.--

15 A. For the privilege of receiving or using special
16 fuel in this state, there is imposed an excise tax at a rate
17 provided in Subsection B of this section on each gallon of
18 special fuel received in New Mexico.

19 B. The tax imposed by Subsection A of this section
20 shall be [~~eighteen cents (\$.18)~~] twenty-one cents (\$.21) per
21 gallon of special fuel received or used in New Mexico.

22 C. The tax imposed by this section may be called the
23 "special fuel excise tax".

24 Section 10. Section 66-3-3.1 NMSA 1978 (being Laws 1992,
25 Chapter 106, Section 7, as amended) is amended to read:

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1 "66-3-3.1. TAX IDENTIFICATION CARD. --The department shall
 2 implement a system for identifying motor carriers subject to
 3 the weight distance tax and special fuel user permit
 4 requirements, including an identifying number for each motor
 5 carrier covered by the system. Annually, the department shall
 6 issue ~~[a tax identification card in]~~ one or more ~~[copies to]~~
 7 original tax identification cards sufficient for the number of
 8 vehicles specified by each motor carrier who applies for a tax
 9 identification card; provided that ~~[the card shall be renewed~~
 10 ~~automatically each year as long as]~~ the motor carrier continues
 11 to be subject to and in compliance with the weight distance tax
 12 and special fuel user permit requirements. The tax
 13 identification card shall contain the department's identifying
 14 number for the motor carrier and ~~[such]~~ other information ~~[as]~~
 15 that the department deems necessary."

16 Section 11. Section 66-6-1 NMSA 1978 (being Laws 1978,
 17 Chapter 35, Section 336, as amended) is amended to read:

18 "66-6-1. MOTORCYCLES--REGISTRATION FEES. --

19 A. For the registration of motorcycles, the
 20 department shall collect the following fees for a twelve-month
 21 registration period:

22 (1) for a motorcycle having not more than two
 23 wheels in contact with the ground, ~~[eleven dollars (\$11.00)]~~
 24 fifteen dollars (\$15.00); and

25 (2) for a motorcycle having three wheels in

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1 contact with the ground or having a sidecar, [~~eleven dollars~~
2 ~~(\$11.00)~~] fifteen dollars (\$15.00).

3 B. In addition to other fees required by this
4 section, the department shall collect for each motorcycle an
5 annual tire recycling fee of one dollar (\$1.00) for a twelve-
6 month registration period. "

7 Section 12. Section 66-6-2 NMSA 1978 (being Laws 1978,
8 Chapter 35, Section 337, as amended) is amended to read:

9 "66-6-2. PASSENGER VEHICLES--REGISTRATION FEES.--For the
10 registration of motor vehicles other than motorcycles, trucks,
11 buses and tractors, the division shall collect the following
12 fees for each twelve-month registration period:

13 A. for a vehicle whose gross factory shipping
14 weight is not more than two thousand pounds, [~~twenty dollars~~
15 ~~(\$20.00)~~] twenty-seven dollars (\$27.00); provided, however,
16 that after five years of registration, calculated from the date
17 when the vehicle was first registered in this or another state,
18 the fee is [~~sixteen dollars (\$16.00)~~] twenty-one dollars
19 (\$21.00);

20 B. for a vehicle whose gross factory shipping
21 weight is more than two thousand but not more than three
22 thousand pounds, [~~twenty-nine dollars (\$29.00)~~] thirty-nine
23 dollars (\$39.00); provided, however, that after five years of
24 registration, calculated from the date when the vehicle was
25 first registered in this or another state, the fee is [~~twenty-~~

1 ~~three dollars (\$23.00)]~~ thirty-one dollars (\$31.00);

2 C. for a vehicle whose gross factory shipping
3 weight is more than three thousand pounds, [~~forty-two dollars~~
4 ~~(\$42.00)]~~ fifty-six dollars (\$56.00); provided, however, that
5 after five years of registration, calculated from the date when
6 the vehicle was first registered in this or another state, the
7 fee is [~~thirty-four dollars (\$34.00)]~~ forty-five dollars
8 (\$45.00); and

9 D. for a vehicle registered pursuant to the
10 provisions of this section, a tire recycling fee of one dollar
11 fifty cents (\$1.50). "

12 Section 13. Section 66-6-3 NMSA 1978 (being Laws 1978,
13 Chapter 35, Section 338, as amended) is amended to read:

14 "66-6-3. TRAILERS--REGISTRATION FEES. --

15 A. For the registration of freight trailers and
16 utility trailers, the following fees shall be collected:

17 (1) for the permanent registration or
18 reregistration of freight trailers, [~~ten dollars (\$10.00)]~~
19 thirteen dollars (\$13.00);

20 (2) for the annual registration of each
21 utility trailer not permanently registered, [~~five dollars~~
22 ~~(\$5.00) plus one dollar (\$1.00)]~~ seven dollars (\$7.00) plus one
23 dollar (\$1.00) for each one hundred pounds or major fraction
24 thereof of actual empty weight over five hundred pounds actual
25 empty weight; except that in the case of travel trailers,

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1 actual empty weight shall be one-half of the gross factory
2 shipping weight or, if gross factory shipping weight is not
3 available, then actual empty weight shall be one-half of actual
4 gross vehicle weight; and

5 (3) for the permanent registration of utility
6 trailers not used in commerce that have a gross vehicle weight
7 of less than six thousand one pounds, [~~twenty-five dollars~~
8 ~~(\$25.00) plus five dollars (\$5.00)] thirty-three dollars
9 (\$33.00) plus seven dollars (\$7.00) for each one hundred pounds
10 or major fraction thereof of actual empty weight over five
11 hundred pounds actual empty weight; except that in the case of
12 travel trailers, actual empty weight shall be one-half of the
13 gross factory shipping weight or, if gross factory shipping
14 weight is not available, then actual empty weight shall be one-
15 half of actual gross vehicle weight and for the reregistration
16 of such utility trailers upon their sale or transfer, [~~five~~
17 ~~dollars (\$5.00)] seven dollars (\$7.00).~~~~

18 B. At the option of the owner of a fleet of fifty
19 or more utility trailers wishing to register them in New
20 Mexico, the [~~motor vehicle~~] division shall issue a registration
21 and registration plate for each trailer in the fleet, the
22 registration and registration plate to expire on the last day
23 of the final month of a five-year period. Registrations and
24 registration plates shall be issued for five years only if the
25 owner of the trailers meets the following requirements:

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1 (1) application is made on forms prescribed by
 2 the [~~motor vehicle~~] division and payment of the proper fee is
 3 made;

4 (2) upon the option of the director,
 5 presentation is made at the time of registration of a surety
 6 bond, certificate of deposit or of other financial security;
 7 and

8 (3) payment is made by the fleet owner of all
 9 registration fees due each year prior to the expiration date.
 10 If such fees are not paid, all registrations and registration
 11 plates in the fleet shall be canceled."

12 Section 14. Section 66-6-4 NMSA 1978 (being Laws 1978,
 13 Chapter 35, Section 339, as amended) is amended to read:

14 "66-6-4. REGISTRATION FEES--TRUCKS, TRUCK TRACTORS, ROAD
 15 TRACTORS AND BUSES. --

16 A. Within their respective jurisdictions, the motor
 17 vehicle division and the motor transportation division of the
 18 department of public safety shall charge registration fees for
 19 trucks, truck tractors, road tractors and buses, except as
 20 otherwise provided by law, according to the schedule of
 21 Subsection B of this section.

B. Declared Gross Weight	Fee
001 to 4,000	[\$ 30] <u>\$ 40</u>
4,001 to 6,000	[41] <u>55</u>
6,001 to 8,000	[52] <u>69</u>

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1	8,001 to 10,000	[63]	<u>84</u>
2	10,001 to 12,000	[74]	<u>99</u>
3	12,001 to 14,000	[85]	<u>113</u>
4	14,001 to 16,000	[96]	<u>128</u>
5	16,001 to 18,000	[107]	<u>143</u>
6	18,001 to 20,000	[118]	<u>157</u>
7	20,001 to 22,000	[129]	<u>172</u>
8	22,001 to 24,000	[140]	<u>187</u>
9	24,001 to 26,000	[151]	<u>201</u>
10	26,001 to 48,000	[88-50]	<u>118</u>
11	48,001 and over	[129-50]	<u>172.</u>

12 C. All trucks whose declared gross weight or whose
13 gross vehicle weight is less than twenty-six thousand pounds,
14 after five years of registration, calculated from the date when
15 the vehicle was first registered in this or another state,
16 shall be charged registration fees at eighty percent of the
17 rate set out in Subsection B of this section.

18 D. All trucks with a gross vehicle weight of more
19 than twenty-six thousand pounds and all truck tractors and road
20 tractors used to tow freight trailers shall be registered on
21 the basis of combination gross vehicle weight.

22 E. All trucks with a gross vehicle weight of twenty-
23 six thousand pounds or less shall be registered on the basis of
24 gross vehicle weight. A trailer, semitrailer or pole trailer
25 towed by a truck of such gross vehicle weight shall be

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1 classified as a utility trailer for registration purposes
 2 unless otherwise provided by law.

3 F. All farm vehicles having a declared gross weight
 4 of more than six thousand pounds shall be charged registration
 5 fees of two-thirds of the rate of the respective fees provided
 6 in this section and shall be issued distinctive registration
 7 plates. "Farm vehicle" means ~~any~~ a vehicle owned by a person
 8 whose principal occupation is farming or ranching and which
 9 vehicle is used principally in the transportation of farm and
 10 ranch products to market and farm and ranch supplies and
 11 livestock from the place of purchase to farms and ranches in
 12 this state; provided that the vehicle is not used for hire.

13 G. In addition to other registration fees imposed by
 14 this section, beginning July 1, 1994, there is imposed at the
 15 time of registration an annual tire recycling fee of one dollar
 16 fifty cents (\$1.50) on each vehicle subject to a registration
 17 fee pursuant to this section, except for vehicles with a
 18 declared gross weight of greater than twenty-six thousand
 19 pounds upon which registration fees are imposed by Subsection B
 20 of this section.

21 H. ~~Four~~ Three percent of registration fees of
 22 trucks having from twenty-six thousand one pounds to forty-
 23 eight thousand pounds declared gross vehicle weight is to be
 24 transferred to the tire recycling fund pursuant to the
 25 provisions of Section 66-6-23 NMSA 1978.

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1 I. [~~Five~~] Three and seventy-five hundredths percent
2 of registration fees of trucks in excess of forty-eight
3 thousand pounds declared gross vehicle weight is to be
4 transferred to the tire recycling fund pursuant to the
5 provisions of Section 66-6-23 NMSA 1978. "

6 Section 15. Section 66-6-5 NMSA 1978 (being Laws 1978,
7 Chapter 35, Section 340, as amended) is amended to read:

8 "66-6-5. BUS REGISTRATION FEES. --All buses shall pay the
9 registration fees provided in Section 66-6-4 NMSA 1978, except
10 for school buses and buses operated by religious or nonprofit
11 charitable organizations for the express purpose of the
12 organization for which the annual registration fee is [~~five~~
13 ~~dollars~~ (~~\$5.00~~)] seven dollars (\$7.00). In addition to other
14 registration fees imposed by this section, beginning July 1,
15 1994, there is imposed at the time of registration an annual
16 tire recycling fee of fifty cents (\$.50) per wheel that is in
17 contact with the ground on each vehicle subject to a
18 registration fee pursuant to this section. "

19 Section 16. Section 66-6-8 NMSA 1978 (being Laws 1978,
20 Chapter 35, Section 343, as amended) is amended to read:

21 "66-6-8. BUS REGISTRATION-- AGRICULTURAL LABOR FEES. --

22 A. A bus that has a normal seating capacity of forty
23 passengers or less and that is used exclusively for the
24 transportation of agricultural laborers may be registered upon
25 payment to the division of a fee of [~~twenty-five dollars~~

1 ~~(\$25.00)]~~ thirty-three dollars (\$33.00).

2 B. In addition to the registration fee imposed by
3 this section, there is imposed at the time of registration an
4 annual tire recycling fee of fifty cents (\$.50) per wheel that
5 is in contact with the ground on each vehicle subject to a
6 registration fee pursuant to this section.

7 C. Application for registration of a bus [~~under~~]
8 pursuant to this section shall be made in the form prescribed
9 by the division and shall be accompanied by an affidavit that
10 the bus will be used exclusively for the transportation of
11 agricultural laborers. Upon registration, the bus is exempt
12 from tariff-filing requirements of the public regulation
13 commission. "

14 Section 17. Section 66-6-9 NMSA 1978 (being Laws 1978,
15 Chapter 35, Section 344) is amended to read:

16 "66-6-9. FEE FOR FERTILIZER TRAILERS. --In lieu of the
17 registration fee provided for in Section [~~64-6-3 NMSA 1953~~]
18 66-6-3 NMSA 1978, the division shall collect a registration fee
19 of [~~five dollars (\$5.00)]~~ seven dollars (\$7.00) for each
20 trailer used on the highways of this state by any commercial
21 fertilizer company solely for the delivery or distribution of
22 liquid fertilizer to a farmer; provided [~~such~~] the trailer has
23 an empty weight not in excess of three thousand five hundred
24 pounds. "

25 Section 18. Section 66-6-10 NMSA 1978 (being Laws 1978,

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1 Chapter 35, Section 345, as amended) is amended to read:

2 "66-6-10. REGISTRATION FEES FOR MANUFACTURED HOMES AND
3 TRAVEL TRAILERS--DIVISION TO NOTIFY COUNTY ASSESSOR OF
4 MANUFACTURED HOME REGISTRATION. --

5 A. For the registration of each manufactured home,
6 the division shall collect a fee of [~~five dollars (\$5.00)~~]
7 seven dollars (\$7.00).

8 B. The division shall compile and transmit to each
9 county assessor each year a list of the manufactured homes that
10 are registered with the division showing [~~his~~] the assessor's
11 county as the principal location of the manufactured home. The
12 listing shall include all data pertinent to and necessary for
13 the county assessor to value the manufactured homes in
14 accordance with valuation [~~regulations~~] rules promulgated by
15 the property tax division [~~under~~] pursuant to Section 7-36-26
16 NMSA 1978. The listing required by this subsection shall be
17 transmitted no later than thirty days following the close of
18 the annual registration process and shall be supplemented no
19 less often than every thirty days to provide information to the
20 appropriate county assessors on registrations occurring
21 throughout the year.

22 C. At the time a person registers [~~his~~] a
23 manufactured home and pays the fee required by this section,
24 [~~he~~] the person shall be notified in writing by the division
25 that the information required by Subsection B of this section

1 will be furnished to the county assessor of the county of the
 2 principal location of the manufactured home and that the
 3 manufactured home is subject to property taxation under the
 4 Property Tax Code. "

5 Section 19. Section 66-6-12 NMSA 1978 (being Laws 1978,
 6 Chapter 35, Section 347) is amended to read:

7 "66-6-12. FEES FOR SCHOOL BUSES. --

8 A. Registration fees for school buses used solely for
 9 the purpose of transportation of school children and other
 10 school activities shall be [~~five dollars (\$5.00)~~] seven dollars
 11 (\$7.00) a year.

12 B. The application for registration of a school bus
 13 shall be accompanied by the certificate of the director of
 14 transportation of the [~~state department of~~] public education
 15 department stating that the vehicle is used solely and
 16 exclusively as a school bus. [~~No~~] A passenger car shall not be
 17 considered [~~as~~] a school bus for the purposes of this section. "

18 Section 20. Section 66-6-23.1 NMSA 1978 (being Laws 1999,
 19 Chapter 49, Section 8) is amended to read:

20 "66-6-23.1. FORMULAIC DISTRIBUTION. --

21 A. The balance from Section 66-6-23 NMSA 1978 shall
 22 be transferred or distributed by the state treasurer on or
 23 before the last day of the month next after its receipt, as
 24 follows:

25 (1) [~~sixty-six and five hundred forty-one~~

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1 ~~thousandths]~~ seventy-four and sixty-five hundredths percent
2 shall be distributed to the state road fund;

3 (2) ~~[ten and thirty-two thousandths]~~ seven and
4 six-tenths percent shall be transferred to each county in the
5 proportion, determined by the department in accordance with
6 Subsection B of this section, that the registration fees for
7 vehicles in that county are to the total registration fees for
8 vehicles in all counties;

9 (3) ~~[ten and thirty-two thousandths]~~ seven and
10 six-tenths percent shall be transferred to the counties, with
11 each county receiving an amount equal to the proportion,
12 determined by the secretary of ~~[highway and]~~ transportation in
13 accordance with Subsection D of this section, that the mileage
14 of public roads maintained by the county is to the total
15 mileage of public roads maintained by all counties of the
16 state. Amounts distributed to each county in accordance with
17 this paragraph shall be credited to the respective county road
18 fund and be used for the improvement and maintenance of the
19 public roads in the county and to pay for the acquisition of
20 rights of way and material pits. For this purpose, the board
21 of county commissioners of each of the respective counties
22 shall certify by April 1 of each year to the secretary of
23 ~~[highway and]~~ transportation the total mileage as of April 1 of
24 that year; provided that in their report, the boards of county
25 commissioners shall identify each of the public roads

1 maintained by them by name, route and location. By agreement
 2 and in cooperation with the [~~state highway and~~] department of
 3 transportation [~~department~~], the boards of county commissioners
 4 of the various counties may use or designate any of the funds
 5 provided in this paragraph for [~~any~~] a federal aid program;

6 (4) [~~five and three hundred fifty-eight~~
 7 ~~thousandths~~] four and six-hundredths percent shall be allocated
 8 among the counties in the proportion, determined by the
 9 department in accordance with Subsection B of this section,
 10 that the registration fees for vehicles in that county are to
 11 the total registration fees for vehicles in all counties. The
 12 amount allocated to each county shall be transferred to the
 13 incorporated municipalities within the county in the
 14 proportion, determined by the department of finance and
 15 administration in accordance with Subsection C of this section,
 16 that the sum of net taxable value, as that term is defined in
 17 the Property Tax Code, plus the assessed value, as that term is
 18 used in the Oil and Gas Ad Valorem Production Tax Act and in
 19 the Oil and Gas Production Equipment Ad Valorem Tax Act,
 20 determined for the incorporated municipality is to the sum of
 21 net taxable value plus assessed value determined for all
 22 incorporated municipalities within the county. Amounts
 23 transferred to incorporated municipalities pursuant to the
 24 provisions of this paragraph shall be used for the
 25 construction, maintenance and repair of streets within the

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1 municipality and for payment of paving assessments against
2 property owned by federal, county or municipal governments. In
3 [any] a county in which there are no incorporated
4 municipalities, the amount allocated pursuant to this paragraph
5 shall be transferred to the county government road fund and
6 used in accordance with the provisions of Paragraph (3) of this
7 subsection; and

8 (5) [~~eight and thirty seven thousandths~~] six and
9 nine-hundredths percent shall be allocated among the counties
10 in the proportion, determined by the department of finance and
11 administration in accordance with Subsection C of this section,
12 that the registration fees for vehicles in that county are to
13 the total registration fees for vehicles in all counties. The
14 amount allocated to each county shall be transferred to the
15 county and incorporated municipalities within the county in the
16 proportion, determined by the department of finance and
17 administration in accordance with Subsection B of this section,
18 that the computed taxes due for the county and each
19 incorporated municipality within the county bear to the total
20 computed taxes due for the county and incorporated
21 municipalities within the county. For the purposes of this
22 paragraph, the term "computed taxes due" for [any] a
23 jurisdiction means the sum of the net taxable value, as that
24 term is defined in the Property Tax Code, plus the assessed
25 value, as that term is used in the Oil and Gas Ad Valorem

1 Production Tax Act and in the Oil and Gas Production Equipment
 2 Ad Valorem Tax Act, for that jurisdiction multiplied by an
 3 average of the rates for residential and nonresidential
 4 property imposed for that jurisdiction pursuant to Subsection B
 5 of Section 7-37-7 NMSA 1978.

6 B. To carry out the provisions of this section,
 7 during the month of June of each year:

8 (1) the department shall determine and certify
 9 to the department of finance and administration the proportions
 10 [~~which~~] that the department is required to determine pursuant
 11 to Subsection A of this section using information for the
 12 preceding calendar year on the number of vehicles registered in
 13 each county based on the address of the owner or place where
 14 the vehicle is principally located, the registration fees for
 15 the vehicles registered in each county, the total number of
 16 vehicles registered in the state and the total registration
 17 fees for all vehicles registered in the state; and

18 (2) the department of finance and administration
 19 shall determine the proportions that the department of finance
 20 and administration is required to determine pursuant to
 21 [~~Subsection B of this section~~] this subsection based upon the
 22 net taxable value, as that term is defined in the Property Tax
 23 Code, and the assessed value, as that term is used in the Oil
 24 and Gas Ad Valorem Production Tax Act and the Oil and Gas
 25 Production Equipment Ad Valorem Tax Act, for the preceding tax

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1 year and the tax rates imposed pursuant to Subsection B of
2 Section 7-37-7 NMSA 1978 in the preceding September.

3 C. By June 30 of each year, the department of finance
4 and administration shall determine the appropriate percentage
5 of money to be transferred to each county and municipality for
6 each purpose in accordance with Subsection A of this section
7 based upon the proportions determined by or certified to the
8 department of finance and administration. The percentages
9 determined shall be used to compute the amounts to be
10 transferred to the counties and municipalities during the
11 succeeding fiscal year.

12 D. The board of county commissioners of each of the
13 respective counties shall, by April 1 of every year, certify
14 reports to the secretary of [~~highway and~~] transportation of the
15 total mileage of public roads maintained by each county as of
16 April 1 of every year; provided that in their reports, the
17 boards of county commissioners shall identify each of the
18 public roads maintained by them by name, route and location.
19 By July 1 of every year, the secretary of [~~highway and~~]
20 transportation shall verify the reports of the counties and
21 revise, if necessary, the total mileage of public roads
22 maintained by each county. The mileage verified by the
23 secretary of [~~highway and~~] transportation shall be the official
24 mileage of public roads maintained by each county.

25 Distribution of amounts to [~~any~~] a county for road purposes

1 shall be made in accordance with this section.

2 E. If a county has not made the required mileage
 3 certification pursuant to Section 67-3-28.3 NMSA 1978 by April
 4 1 of any year, the secretary of [~~highway and~~] transportation
 5 shall estimate the mileage maintained by those counties for the
 6 purpose of making distribution to all counties, and the amount
 7 calculated to be distributed each month to those counties not
 8 certifying mileage shall be reduced by one-third each month for
 9 that fiscal year, and that amount not distributed to those
 10 counties shall be distributed equally to all counties that have
 11 certified mileages. "

12 Section 21. Section 66-7-413 NMSA 1978 (being Laws 1978,
 13 Chapter 35, Section 484, as amended by Laws 2003, Chapter 141,
 14 Section 4 and by Laws 2003, Chapter 142, Section 23 and by Laws
 15 2003, Chapter 359, Section 42 and also by Laws 2003, Chapter
 16 361, Section 1) is amended to read:

17 "66-7-413. PERMITS FOR EXCESSIVE SIZE AND WEIGHT--SPECIAL
 18 NOTIFICATION REQUIRED ON MOVEMENT OF MANUFACTURED HOMES. --

19 A. The department of public safety and local highway
 20 authorities may, in their discretion, upon application in
 21 writing and good cause being shown, issue a special permit in
 22 writing authorizing the applicant to operate or move a vehicle
 23 or load of a size or weight exceeding the maximum specified in
 24 Sections 66-7-401 through 66-7-416 NMSA 1978 on [~~any~~] a highway
 25 under the jurisdiction of the state transportation commission

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1 or local authorities. Except for the movement of manufactured
2 homes, a permit may be granted, in cases of emergency, for the
3 transportation of loads on a certain unit or combination of
4 equipment for a specified period of time not to exceed one
5 year, and the permit shall contain the route to be traversed,
6 the type of load to be transported and any other restrictions
7 or conditions deemed necessary by the body granting the permit.
8 In every other case, the permit shall be issued for a single
9 trip and may designate the route to be traversed and contain
10 any other restrictions or conditions deemed necessary by the
11 body granting the permit. Every permit shall be carried in the
12 vehicle to which it refers and shall be opened for inspection
13 to any peace officer. It is a misdemeanor for ~~[any]~~ a person
14 to violate ~~[any of the conditions]~~ a condition or ~~[terms]~~ term
15 of the special permit.

16 B. The department of public safety shall charge and
17 collect, when the movement consists of ~~[any]~~ a load of a width
18 of twenty feet or greater for a distance of five miles or more,
19 the sum of three hundred dollars (\$300) a day or fraction
20 thereof to defray the cost of state or local police escort.
21 The permit issued and the fee charged shall be based upon the
22 entire movement at one time requiring police escort and not
23 upon the number of vehicles involved.

24 C. The department of public safety shall promulgate
25 ~~[regulations]~~ rules in accordance with the State Rules Act

1 pertaining to safety practices, liability insurance and
 2 equipment for escort vehicles provided by the motor carrier
 3 himself and for escort vehicles provided by a private business
 4 in this state.

5 (1) ~~[If a motor carrier provides his own escort~~
 6 ~~vehicles and personnel]~~ The department ~~[shall not charge an~~
 7 ~~escort fee but]~~ of public safety shall provide the ~~[motor~~
 8 ~~carrier]~~ escort personnel with a copy of applicable
 9 ~~[regulations]~~ rules and shall inspect the escort vehicles for
 10 the safety equipment required by the ~~[regulations]~~ rules. If
 11 the escort vehicles and personnel meet the requirements set
 12 forth in the ~~[regulations and if the motor carrier holds a~~
 13 ~~valid certificate of public convenience and necessity or~~
 14 ~~permit, as applicable, issued pursuant to Chapter 65, Article 2~~
 15 ~~NMSA 1978]~~ rules, the department of public safety shall issue
 16 the special permit, but shall not charge an escort fee. If the
 17 motor carrier provides its own escort vehicles and personnel,
 18 the department of public safety shall require that the motor
 19 carrier have a warrant issued by the public regulation
 20 commission.

21 ~~[(2) If the escort service is a private~~
 22 ~~business, the business shall have applied to the public~~
 23 ~~regulation commission for and been issued a permit or~~
 24 ~~certificate to operate as a contract or common motor carrier~~
 25 ~~pursuant to Chapter 65, Article 2 NMSA 1978. The public~~

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1 ~~regulation commission shall supply copies of applicable~~
2 ~~regulations to the business by mail and shall supply additional~~
3 ~~copies upon request. If the escort vehicles and personnel meet~~
4 ~~the requirements set forth in the regulations and if the escort~~
5 ~~service holds a certificate, the special permit shall be issued~~
6 ~~and the department shall not charge an escort fee.~~

7 ~~(3)~~ (2) The movement of vehicles upon the
8 highways of this state requiring a special permit and required
9 to use an escort of the type noted in ~~[Paragraphs (1) and (2)]~~
10 Paragraph (1) of this subsection is subject to department of
11 public safety authority and inspection at all times.

12 ~~[(4)]~~ (3) The ~~[state highway and]~~ department of
13 transportation ~~[department]~~ shall conduct engineering
14 investigations and engineering inspections to determine which
15 four-lane highways are safe for the operation or movement of
16 manufactured homes without an escort. After making that
17 determination, the ~~[state highway and]~~ department of
18 transportation ~~[department]~~ shall hold public hearings in the
19 area of the state affected by the determination, after which it
20 may adopt ~~[regulations]~~ rules designating those four-lane
21 highways as being safe for the operation or movement of
22 manufactured homes without an escort. If ~~[any]~~ a portion of
23 such a four-lane highway lies within the boundaries of a
24 municipality, the ~~[state highway and]~~ department of
25 transportation ~~[department]~~, after obtaining the approval of

1 the municipal governing body, shall include such portions in
 2 its ~~[regulations]~~ rules.

3 D. Except for the movement of manufactured homes,
 4 special permits may be issued for a single vehicle or
 5 combination of vehicles by the department of public safety for
 6 a period not to exceed one year for a fee of ~~[sixty dollars~~
 7 ~~(\$60.00)]~~ two hundred fifty dollars (\$250). The permits may
 8 allow excessive height, length and width for a vehicle or
 9 combination of vehicles or load thereon and may include a
 10 provision for excessive weight if ~~[the operation is to be~~
 11 ~~within the vicinity of a municipality]~~ the distance traveled by
 12 the vehicle or combination of vehicles is within a seventy-five
 13 mile radius of the origin of the trip. Utility service
 14 vehicles, operating with special permits pursuant to this
 15 subsection, shall be exempt from prohibitions or restrictions
 16 relating to hours or days of operation or restrictions on
 17 movement because of poor weather conditions.

18 E. Special permits for a single trip for a vehicle or
 19 combination of vehicles or load thereon of excessive weight,
 20 width, length and height may be issued by the department of
 21 public safety for a single vehicle for a fee of ~~[fifteen~~
 22 ~~dollars (\$15.00)]~~ twenty-five dollars (\$25.00) plus the product
 23 of two and one-half cents (\$.025) for each two thousand pounds
 24 in excess of eighty-six thousand four hundred pounds or major
 25 fraction thereof multiplied by the number of miles to be

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1 traveled by the vehicle or combination of vehicles on the
2 highways of this state.

3 F. If [~~the~~] a vehicle for which a permit is issued
4 [~~under~~] pursuant to this section is a manufactured home, the
5 department of public safety or local highway authority issuing
6 the permit shall furnish the following information to the
7 property tax division of the taxation and revenue department,
8 which shall [~~then~~] forward the information:

9 (1) to the county assessor of [~~any~~] a county
10 from which a manufactured home is being moved, the date the
11 permit was issued, the location being moved from, the location
12 being moved to if within the same county, the name of the owner
13 of the manufactured home and the identification and
14 registration numbers of the manufactured home;

15 (2) to the county assessor of any county in this
16 state to which a manufactured home is being moved, the date the
17 permit was issued, the location being moved from, the location
18 being moved to, the name of the owner of the manufactured home
19 and the registration and identification numbers of the
20 manufactured home; and

21 (3) to the owner of a manufactured home having a
22 destination in this state, notification that the information
23 required in Paragraphs (1) and (2) of this subsection is being
24 given to the respective county assessors and that manufactured
25 homes are subject to property taxation.

1 G. Except as provided in Subsection H of this
2 section, if the movement of a manufactured home originates in
3 this state, ~~[no]~~ a permit shall not be issued ~~[under]~~ pursuant
4 to Subsection F of this section until the owner of the
5 manufactured home or ~~[his]~~ the authorized agent of the owner
6 obtains and presents to the department of public safety proof
7 that a certificate has been issued by the county assessor or
8 treasurer of the county in which the manufactured home movement
9 originates showing that either:

10 (1) all property taxes due or to become due on
11 the manufactured home for the current tax year or any past tax
12 years have been paid, except for manufactured homes located on
13 an Indian reservation; or

14 (2) ~~[no]~~ liability for property taxes on the
15 manufactured home ~~[exists]~~ does not exist for the current tax
16 year or ~~[any]~~ a past tax ~~[years]~~ year, except for manufactured
17 homes located on an Indian reservation.

18 H. The movement of a manufactured home from the lot
19 or business location of a manufactured home dealer to its
20 destination designated by an owner-purchaser is not subject to
21 the requirements of Subsection G of this section if the
22 manufactured home movement originates from the lot or business
23 location of the dealer and the manufactured home was part of
24 ~~[his]~~ the dealer's inventory prior to the sale to the owner-
25 purchaser; however, the movement of a manufactured home by a

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1 dealer or ~~[his]~~ the dealer's authorized agent as a result of a
2 sale or trade-in from a nondealer-owner is subject to the
3 requirements of Subsection G of this section whether the
4 destination is the business location of a dealer or some other
5 destination.

6 I. ~~[No]~~ A permit shall not be issued ~~[under]~~ pursuant
7 to this section for movement of a manufactured home whose width
8 exceeds eighteen feet with no more than a six-inch roof
9 overhang on the left side or twelve inches on the right side in
10 addition to the eighteen-foot width of the manufactured home.
11 Manufactured homes exceeding the limitations of this section
12 shall only be moved on dollies placed on the front and the rear
13 of the structure.

14 J. The secretary of public safety may by ~~[regulation]~~
15 rule provide for movers of manufactured homes to self-issue
16 permits for certain sizes of manufactured homes over specific
17 routes ~~[however, in no case may]~~. The cost of ~~[each]~~ a permit
18 shall not be less than ~~[fifteen dollars (\$15.00)]~~ twenty-five
19 dollars (\$25.00).

20 K. The secretary of public safety may provide by
21 ~~[regulation]~~ rule for dealers of implements of husbandry to
22 self-issue permits for the movement of certain sizes of
23 implements of husbandry from the lot or business location of
24 the dealer over specific routes with specific escort
25 requirements, if necessary, to a destination designated by an

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1 owner-purchaser or for purposes of a working demonstration on
 2 the property of a proposed owner-purchaser. The department of
 3 public safety shall charge a fee for each self-issued permit
 4 not to exceed fifteen dollars (\$15.00).

5 L. ~~[Any]~~ A private motor carrier requesting an
 6 oversize or overweight permit shall provide proof of insurance
 7 in at least the following amounts:

8 (1) bodily injury liability, providing:

9 (a) fifty thousand dollars (\$50,000) for
 10 each person; and

11 (b) one hundred thousand dollars (\$100,000)
 12 for each accident; and

13 (2) property damage liability, providing twenty-
 14 five thousand dollars (\$25,000) for each accident.

15 M. ~~[Any common]~~ A motor carrier requesting an
 16 oversize permit shall produce a copy of a ~~[form "e" or other~~
 17 ~~acceptable]~~ warrant or a single state registration receipt as
 18 evidence that the ~~[common]~~ motor carrier maintains the
 19 insurance ~~minimums~~ prescribed by the public regulation
 20 commission.

21 N. The department of public safety may provide by
 22 rule the time periods during which a vehicle or load of a size
 23 or weight exceeding the maximum specified in Sections 66-7-401
 24 through 66-7-416 NMSA 1978 may be operated or moved by a motor
 25 carrier on a highway under the jurisdiction of the state

1 transportation commission or local authorities.

2 0. Revenue from fees for special permits authorizing
3 vehicles and loads of excessive size or weight to operate or
4 move upon a highway under the jurisdiction of the state
5 transportation commission or local authorities shall be
6 collected for the department of transportation and transferred
7 to the state road fund."

8 Section 22. Section 66-7-413.4 NMSA 1978 (being Laws
9 2001, Chapter 20, Section 2) is amended to read:

10 "66-7-413.4. PERMITS FOR EXCESSIVE WEIGHT.--

11 A. In addition to the authority granted in Section
12 66-7-413 NMSA 1978, the motor transportation division of the
13 department of public safety may issue special permits
14 authorizing an increase of up to twenty-five percent in axle
15 weight for liquid hauling tank vehicles whenever the liquid
16 hauling tank vehicles would have to haul less than a full tank
17 under the maximum weights authorized in Section 66-7-409 and
18 66-7-410 NMSA 1978. A special permit under this section may be
19 issued for a single trip or for a year. The fee for the
20 permits shall be thirty-five dollars (\$35.00) for a single-trip
21 permit and one hundred twenty dollars (\$120) for an annual
22 permit. Revenue from the permit fee shall be used to build,
23 maintain, repair or reconstruct the highways and bridges of
24 this state. Revenue from the permit shall be collected for the
25 department of transportation and transferred to the state road

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1 fund.

2 B. The special permits authorized by this section
 3 shall not be valid for transportation of excessive weights on
 4 the interstate system as currently defined in federal law or as
 5 that system may be defined in the future. [~~No~~] A special
 6 permit issued pursuant to this section shall not be valid for
 7 gross vehicle weights in excess of eighty-six thousand four
 8 hundred pounds or for [~~any~~] a combination vehicle.

9 C. If the federal highway administration of the
 10 United States department of transportation gives official
 11 notice that money will be withheld or that this section
 12 violates the grandfather provision of 23 USCA 127, the
 13 secretary may withdraw all special permits and discontinue
 14 issuance of all special permits authorized in this section
 15 until such time that final determination is made. If the final
 16 determination allows the state to issue the special permits
 17 without sanction of funds or weight tables, [~~then~~] the
 18 secretary shall reissue the special permits previously
 19 withdrawn and make the special permits available pursuant to
 20 this section. "

21 Section 23. Section 67-3-59.2 NMSA 1978 (being Laws 1999
 22 (1st S.S.), Chapter 9, Section 3) is amended to read:

23 "67-3-59.2. HIGHWAY INFRASTRUCTURE FUND CREATED--
 24 PURPOSE. --

25 A. The "highway infrastructure fund" is created in
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1 the state treasury and shall be administered by the department.
2 The fund shall consist of money from various fees and taxes
3 distributed to the fund. Earnings on investment of the fund
4 shall be credited to the fund. Balances in the fund at the end
5 of any fiscal year shall not revert and shall remain in the
6 fund for the purposes authorized in this section.

7 B. Money in the fund shall be used solely for
8 acquisition of rights of way or planning, design, engineering,
9 construction or improvement of state highway projects
10 authorized pursuant to the provisions of Laws 1998, Chapter 84,
11 [~~and~~] Subsections C through H of Section 1 of Chapter 85 of
12 Laws 1998 and Sections 27 and 28 of this 2003 act and is
13 appropriated to the department for expenditure for those
14 purposes.

15 C. The taxes and fees required by law to be
16 distributed to the highway infrastructure fund may be pledged
17 for the payment of state highway bonds issued pursuant to
18 [~~Section~~] Sections 67-3-59.1 and 67-3-59.3 NMSA 1978 and
19 Section 26 of this 2003 act for the highway projects authorized
20 in the laws specified in Subsection B of this section. "

21 Section 24. A new section of Chapter 67, Article 3 NMSA
22 1978, Section 67-3-59.3 NMSA 1978, is enacted to read:

23 "67-3-59.3. [NEW MATERIAL] STATE TRANSPORTATION PROJECT
24 BONDS--ISSUANCE--PROCEDURES--APPROVAL.--

25 A. In order to provide funds to finance state

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1 transportation projects, the New Mexico finance authority, when
 2 directed by the state transportation commission, is authorized,
 3 subject to the limitations of this section and Section 26 of
 4 this 2003 act, to issue bonds from time to time, payable from:

5 (1) federal funds not otherwise obligated that
 6 are paid into the state road fund;

7 (2) proceeds of the collection of taxes and fees
 8 that are required to be paid into the state road fund and not
 9 otherwise pledged exclusively to the payment of outstanding
 10 bonds and debentures; and

11 (3) taxes and fees required by law to be paid
 12 into the highway infrastructure fund.

13 B. The New Mexico finance authority, when directed by
 14 the state transportation commission, may issue bonds to refund
 15 other bonds issued by or at the direction of the state
 16 transportation commission pursuant to this section or Section
 17 67-3-59.1 NMSA 1978 by exchange or current or advance
 18 refunding.

19 C. In consultation with the state transportation
 20 commission, the New Mexico finance authority shall determine
 21 all terms, covenants and conditions of the bonds; provided that
 22 the project design life of a project meets or exceeds the life
 23 of the bond issued for that project, and each series of bonds
 24 shall be sold, executed and delivered in accordance with the
 25 provisions of the New Mexico Finance Authority Act. The New

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1 Mexico finance authority may enter into interest rate exchange
2 agreements, interest rate swap contracts, insurance agreements,
3 remarketing agreements and any other agreements deemed
4 necessary in connection with the issuance of the bonds without
5 obtaining the approval of such agreements by any agency or
6 board of the state, notwithstanding the provisions of any other
7 law of the state.

8 D. Proceeds of the bonds and amounts on deposit in
9 the state road fund and the highway infrastructure fund may be
10 used to pay expenses incurred in the preparation,
11 administration, issuance and sale of the bonds and, together
12 with the earnings on the proceeds of the bonds, may be used to
13 pay rebate, penalty, interest and other obligations relating to
14 the bonds and the proceeds of the bonds under the Internal
15 Revenue Code of 1986, as amended.

16 E. This section is full authority for the issuance
17 and sale of the bonds, and the bonds shall not be invalid for
18 any irregularity or defect in the proceedings for their
19 issuance and sale and shall be incontestable in the hands of
20 bona fide purchasers or holders of the bond for value.

21 F. The bonds shall be legal investments for a person
22 or board charged with the investment of public funds and may be
23 accepted as security for a deposit of public money and, with
24 the interest thereon, are exempt from taxation by the state and
25 a political subdivision or agency of the state.

1 G. Any law authorizing the imposition or distribution
 2 of taxes or fees paid into the state road fund or the highway
 3 infrastructure fund or that affects those taxes and fees shall
 4 not be amended or repealed or otherwise directly or indirectly
 5 modified so as to impair outstanding bonds secured by a pledge
 6 of revenues from those taxes and fees paid into the state road
 7 fund or the highway infrastructure fund, unless the bonds have
 8 been discharged in full or provisions have been made for a full
 9 discharge. In addition, while any bonds issued by the New
 10 Mexico finance authority pursuant to the provisions of this
 11 section remain outstanding, the powers or duties of the state
 12 transportation commission or the authority shall not be
 13 diminished or impaired in any manner that will affect adversely
 14 the interests and rights of the holder of such bonds.

15 H. In contracting for state transportation projects
 16 to be paid in whole or in part with proceeds of bonds
 17 authorized by this section, the department shall require that
 18 any sand, gravel, caliche or similar material needed for the
 19 project shall, if practicable, be mined from state lands. Each
 20 contract shall provide that the contractor notify the
 21 commissioner of public lands of the need for the material and
 22 that, through lease or purchase, the material shall be mined
 23 from state lands if:

- 24 (1) the material needed is available from state
 25 lands in the vicinity of the project;

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1 (2) the commissioner determines that the lease
2 or purchase is in the best interest of the state land trust
3 beneficiaries; and

4 (3) the cost to the contractor for the material,
5 including the costs of transportation, is competitive with
6 other available material from nonstate lands.

7 I. Bonds issued pursuant to this section shall be
8 paid solely from federal funds not otherwise obligated and
9 taxes and fees deposited into the state road fund and the
10 highway infrastructure fund and shall not constitute a general
11 obligation of the state.

12 J. For purposes of this section, "state
13 transportation project bonds" includes only those bonds issued
14 pursuant to this section and excludes transportation bonds as
15 defined in Section 67-3-72 NMSA 1978."

16 Section 25. Section 67-3-65.1 NMSA 1978 (being Laws 1983,
17 Chapter 211, Section 40) is amended to read:

18 "67-3-65.1. STATE ROAD FUND DISTRIBUTION.--The amounts
19 distributed to the state road fund pursuant to [~~Section~~]
20 Sections 7-1-6.10, 66-6-23 and 66-6-23.1 NMSA 1978 shall be
21 used for maintenance, construction and improvement of [~~the~~
22 ~~public highways~~] state transportation projects and to meet
23 federal allotments under the federal-aid road laws, but
24 sufficient money from the state road fund shall be set aside
25 each year by the state treasurer to pay the principal and

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1 interest [~~coupons of highway debentures~~] due each year on state
 2 transportation revenue bonds issued to anticipate the
 3 collection of this revenue [~~as the principal and interest~~
 4 ~~coupons mature~~]. "

5 Section 26. [NEW MATERIAL] STATE TRANSPORTATION PROJECT
 6 BONDS-- AUTHORIZATION AND APPROPRIATION-- PRIORITIES-- CRITERIA--
 7 REPORTS. --

8 A. It is the intent of the legislature to authorize
 9 the New Mexico finance authority to issue state transportation
 10 bonds for projects specified in Sections 27 and 28 of this 2003
 11 act in the total aggregate principal amount of one billion five
 12 hundred eighty-five million dollars (\$1,585,000,000) in annual
 13 increments of three hundred fifty million dollars
 14 (\$350,000,000) as appropriated by the legislature each year,
 15 beginning with the appropriation for 2003 provided for in
 16 Subsection B of this section.

17 B. After the effective date of this act, the state
 18 transportation commission may authorize the New Mexico finance
 19 authority to issue and sell state transportation bonds in an
 20 amount not to exceed three hundred fifty million dollars
 21 (\$350,000,000) for the 2003 annual increment. The proceeds of
 22 the bonds are appropriated to the department of transportation
 23 for projects listed in Sections 27 and 28 of this 2003 act.

24 C. For the 2004 and subsequent annual appropriation
 25 requests, the department of transportation shall provide to the

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1 legislature and the governor a report on transportation
2 priorities and progress. The report shall include:

3 (1) justification of priority ranking of
4 projects for which the department is seeking authorization and
5 appropriation, including the following for each highway project
6 enumerated in Sections 27 and 28 of this 2003 act:

7 (a) traffic counts and accident rates and
8 the expected improvements to traffic flow, health and safety;

9 (b) the ranking of the pavement and
10 substructure conditions;

11 (c) an assessment of economic development
12 impacts; and

13 (d) other information deemed significant by
14 the department;

15 (2) the expected life of the proposed
16 improvement;

17 (3) sufficiency of revenue to pay the principal
18 and interest of all outstanding and proposed bonds based on a
19 five- and twenty-year financial forecast for the state road
20 fund and the effect of the bond program on the department's
21 construction and maintenance program;

22 (4) status report of ongoing major construction;

23 (5) the relationship between the requested
24 projects and the statewide transportation improvement program;
25 and

1 (6) any other information requested by the
2 legislature or the executive.

3 D. The department of transportation shall provide
4 quarterly progress reports to the department of finance and
5 administration and the legislative finance committee.

6 Section 27. [NEW MATERIAL] AUTHORIZED TRANSPORTATION
7 PROJECTS. --

8 A. The department of transportation may use the net
9 proceeds of state transportation project bonds issued by the
10 New Mexico finance authority pursuant to Section 67-3-59.3 NMSA
11 1978 and Section 26 of this 2003 act for the following
12 transportation projects:

13 (1) for the reconstruction of the interchange at
14 the intersection of Coors boulevard and interstate 40 in
15 Albuquerque;

16 (2) for the reconstruction and improvement of
17 interstate 25 to accommodate public transportation elements,
18 including commuter rail from Albuquerque to Santa Fe;

19 (3) for the reconstruction and improvement of
20 United States highway 54 from Tularosa to Santa Rosa;

21 (4) for the reconstruction and improvement of
22 United States highway 64/87 from Raton to Clayton;

23 (5) for the reconstruction and improvement of
24 United States highway 491 from Tohatchi to Shiprock;

25 (6) for the reconstruction and improvement of

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1 United States highway 491 from Shiprock to the Colorado state
2 line;

3 (7) for the reconstruction and improvement of
4 United States highway 62/180 from the Texas state line to
5 Carlsbad;

6 (8) for the reconstruction and improvement of
7 various sections of interstate 40 from Newkirk to Tucumcari;

8 (9) for the reconstruction and improvement of
9 various sections of interstate 40 between Gallup and the
10 Arizona state line;

11 (10) for the reconstruction and improvement of
12 various sections of interstate 40 between Thoreau and Grants;

13 (11) for the reconstruction and improvement of
14 interstate 40 in Albuquerque from Carlisle boulevard to Juan
15 Tabo boulevard;

16 (12) for the reconstruction and improvement of
17 interstate 40 east of Albuquerque from Carnuel to Sedillo;

18 (13) for the reconstruction and improvement of
19 interstate 40 in Albuquerque from Central avenue to Coors
20 boulevard;

21 (14) for the reconstruction and improvement of
22 interstate 40 at various locations from the Pueblo of Laguna to
23 Mesita;

24 (15) for the reconstruction and improvement of
25 interstate 40 from Canoncito to Rio Puerco;

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1 (16) for the reconstruction and improvement of
 2 interstate 40 in Moriarty from the west interchange to the east
 3 interchange;

4 (17) for the reconstruction and improvement of
 5 interstate 10 from Lordsburg to the junction of state highway
 6 146;

7 (18) for the reconstruction and improvement to
 8 accommodate public transportation elements of interstate 10
 9 from the Texas state line to Las Cruces;

10 (19) for the reconstruction and improvement of
 11 United States highway 84/285 from Pojoaque to Espanola;

12 (20) for the reconstruction and improvement of
 13 state highway 45 in Albuquerque from the junction above
 14 interstate 25 north to Central avenue;

15 (21) for the reconstruction and improvement of
 16 state highway 128 from state highway 31 to the Texas state
 17 line;

18 (22) for the reconstruction and improvement of
 19 state highway 11 from Columbus to Deming;

20 (23) for the reconstruction and improvement of
 21 United States highway 60 from Abo to Willard;

22 (24) for the reconstruction and improvement of
 23 United States highway 56 from Springer east to Abbott;

24 (25) for the reconstruction and improvement of
 25 United States highway 380 west of Tatum east to the Texas state

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1 line;

2 (26) for the reconstruction and improvement of
3 various sections of United States highway 380 from Capitan to
4 Hondo;

5 (27) for the reconstruction and improvement of
6 various sections of United States highway 64 from the San Juan-
7 Rio Arriba county line to the junction of United States highway
8 84;

9 (28) for the reconstruction and improvement of
10 state highway 8 from Eunice to United States highway 62;

11 (29) for the reconstruction and improvement of
12 United States highway 285 from Encino to Clines Corners;

13 (30) for the reconstruction and improvement of
14 various sections of United States highway 84 from interstate 25
15 south to Dilia;

16 (31) for the reconstruction and improvement of
17 various sections of state highway 26 between Deming and Hatch;

18 (32) for the reconstruction and improvement of
19 state highway 83 from Lovington to the junction of state
20 highway 132;

21 (33) for the reconstruction and improvement of
22 state highway 209 from NM 268 to Grady;

23 (34) for the reconstruction and improvement of
24 United States highway 84 from Fort Sumner to Santa Rosa;

25 (35) for the reconstruction and improvement of

1 various sections of United States highway 62/180 from the Texas
2 state line to the Lea-Eddy county line;

3 (36) for the reconstruction and improvement of
4 United States highway 285 from Clines Corners to Lamy;

5 (37) for the reconstruction and improvement of
6 United States highway 180 from Deming to Bayard; and

7 (38) for improvements to the physical facilities
8 of the department of transportation.

9 B. The New Mexico finance authority may issue and
10 sell state transportation project bonds for the state
11 transportation projects authorized in this section when
12 directed by the state transportation commission and when the
13 commission certifies a need for issuance of the bonds for the
14 projects.

15 C. Any unexpended or unencumbered balance after the
16 completion of the projects authorized in this section shall
17 revert to the state road fund.

18 D. For purposes of this section, "construction",
19 "reconstruction", "rehabilitation" and "improvement" include
20 planning, designing, engineering, constructing and acquiring
21 rights of way.

22 Section 28. [NEW MATERIAL] AUTHORIZED TRANSPORTATION
23 PROJECTS--MATCHING FUNDS.--

24 A. The department of transportation may use the net
25 proceeds of state transportation project bonds issued by the

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1 New Mexico finance authority pursuant to Section 67-3-59.3 NMSA
2 1978 and Section 26 of this 2003 act for the following
3 transportation projects subject to the provisions of Subsection
4 B of this section:

5 (1) for the Rio Bravo boulevard extension and
6 interchange construction to access Mesa del Sol in Albuquerque
7 and Bernalillo county; and

8 (2) for the reconstruction of an interchange at
9 interstate 40 and West Central avenue in Albuquerque and
10 Bernalillo county.

11 B. In accordance with an applicable annual
12 legislative appropriation, the New Mexico finance authority may
13 issue and sell state transportation project bonds for six
14 million dollars (\$6,000,000) per project specified in
15 Subsection A of this section for the state transportation
16 projects authorized in this section if:

17 (1) directed by the state transportation
18 commi ssi on;

19 (2) the state transportation commi ssi on
20 certifies a need for issuance of the bonds for the projects;
21 and

22 (3) prior to issuing bonds, the political
23 subdivision benefiting from the project deposits local matching
24 funds with the state transportation commi ssi on for the
25 authorized project in an amount that, when added to the net

1 proceeds of the bonds, would be adequate to complete the
2 project.

3 C. The amount of the local match for projects
4 authorized by this section shall be determined by a sliding
5 scale based on the political subdivision's financial capacity
6 to pay a portion of the project from local resources pursuant
7 to rules promulgated by the state transportation commission.

8 Section 29. TEMPORARY PROVISION--OUTSTANDING STATE
9 HIGHWAY REVENUE BONDS.--

10 A. Nothing in this act shall be deemed to impair
11 state highway revenue bonds previously issued by the state
12 transportation commission and outstanding on the effective date
13 of this act.

14 B. If required by the terms, covenants and provisions
15 of state highway revenue bonds previously issued by the state
16 transportation commission and outstanding on the effective date
17 of this act, additional bonds issued by the state
18 transportation commission or the New Mexico finance authority
19 when directed by the state transportation commission pursuant
20 to this act shall contain any required terms, covenants and
21 provisions required to avoid impairment of the previously
22 issued bonds.

23 Section 30. REPEAL.--Section 7-15A-10 NMSA 1978 (being
24 Laws 1988, Chapter 24, Section 9, as amended) is repealed.

25 Section 31. EFFECTIVE DATE.--

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A. The effective date of the provisions of Sections 1 through 10, 21, 22 and 30 of this act is July 1, 2004.

B. The effective date of Sections 11 through 20 of this act is March 1, 2004.

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